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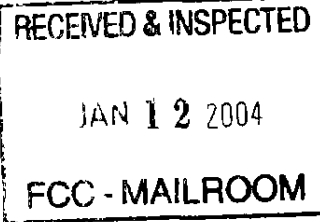
27600 Chagrin Boulevard

Suite 260

Cleveland, OH 44122

(216) 514-3336

fax (216) 514-3337



Express Mail ET716362956US

**Appeal, and request for Expedited Relief, to the Federal
Communications Commission on behalf of Brooke County
School District**

January 8, 2004

Secretary
Office of the Secretary
Federal Communications Commission
445 - 12th Street, S W , Rm TW-204B
Washington, D C 20554

This is an appeal from a decision by the Schools and Libraries Division of the USAC

Enclosed are the original and four copies of the Appeal. An extra copy is also enclosed. Please time stamp the extra copy and return it to me in the enclosed self addressed-stamped envelope.

A handwritten signature in cursive script, appearing to read "Nathaniel Hawthorne".

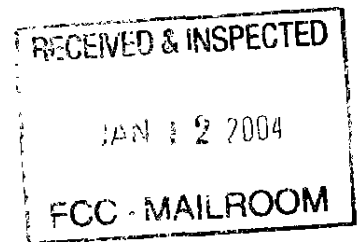
Nathaniel Hawthorne
Attorney for Brooke County School District

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Express Mail ET716362956US

**Before the
Federal Communications Commission
Washington, D.C. 20554**



In the Matter of the)	File No. SLD -
)	
Appeal of the Decision of the)	
)	
Universal Service Administrator by)	
the)	
Brooke County School District)	
)	
)	
Federal-State Joint Board on)	CC Docket No. 96 - 45
Universal Service)	
Changes to the Board of Directors of)	
The National Exchange Carrier)	
Association, Inc.)	CC Docket No. 97 - 21

**Appeal
and
Request for Expedited Relief
on behalf of the
Brooke County School District**

January 8, 2004

Marlene H Dortch
Office of the Secretary
Federal Communications Commission
445 12th Street, S.W. Suite TW-A325
Washington, D C. 20554

This is an appeal from a decision by the Schools and Libraries Division of the USAC.
Enclosed are the original and four copies of the Appeal. An extra copy is also enclosed.

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stamped envelope.

(1) **Funding Commitment Decision Letter Appealed**

Form 471 Application Number. 338654
Funding Year 2003: 07/01/2003-06/30/2004
Billed Entity Number 126722

Date of Funding Denial Notice: December 16, 2003
Date of Appeal: January 8, 2004

(2) **SLD Contact Information**

(a) Currie A. Sutton
27600 Chagrin Blvd., Ste 260
Cleveland, OH 44122
Tel. (216) 682.0169
Fax. (216) 514-3337

(b) Nathaniel Hawthorne, Attorney (To discuss this Appeal)
27600 Chagrin Blvd., Ste 265
Cleveland, OH 44122
Tel (216) 514.4798

(3) **Funding Request Numbers Appealed**

FRNS – 969670, 969672, 969673

(4) **SLD's Reason for Funding Denial in all FRNS**

The SLD stated that funding is denied in each FRN because:

“30% or more of this FRN includes a request for unsubstantiated
telecommunications charges which are ineligible per program rules.”

(5) **All Telecommunications Charges were Substantiated as Requested by the
SLD**

a) The Brooke County School District (Brooke) prepared and timely filed a FCC
Form 471 for telecommunications service for each telecommunications
provider. During the PIA process, the SLD requested certain detailed billing

information for each provider **Exhibit A**. Brooke timely provided the documentation to the SLD. **Exhibit B**.

- b) **Exhibit B** is the “billing” that Brooke submitted to the SLD.
- c) While Brooke’s request for funding was based on anticipated (estimated) telecommunications usage, Brooke’s expenses should have been reduced rather than denied. **No E-Rare ineligible expenses were contained in the Applicant’s request.**
- d) The FCC’s 30% rule provides, *in relevant part*, “[if] 30% or more of the dollar amount of the request in Form 471 Block 5 Item 23K is for ineligible services (including services for ineligible entities or uses), the PIA team will deny the entire Block 5 funding request, even if eligible components are part of the request. If less than 30% of the dollar amount of the request in Form 471 Block 5 Item 23K is for ineligible services, the PIA team will reduce the request by the cost of the ineligible components, and the Funding Commitment Decision Letter will cite the ineligible services for which funds were not committed. If the request is reduced, applicants and service providers must ensure that the SLD is not invoiced for the ineligible items. [Emphasis added.] **Here, not only did Brooke’s documentation support its request, there are no ineligible expenses included in Brooke’s USF request.**
- e) There is no factual or regulatory basis for any of the denials.

Conclusion:

Brooke is Requesting the Following Action by the FCC:

- (a) Within 90 days or less Order funding for the telecommunications services requested in the 471 Application, specifically FRNS –969670, 969672, 969673**
- (b) Set aside funds to totally fund Brooke's request.**

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Nathaniel Hawthorne", written in a cursive style.

Nathaniel Hawthorne

District of Columbia Bar No. : 237693
27600 Chagrin Blvd., Ste. 265
Cleveland, OH 44122
tel : 216/514.4798
e-mail: nhawthorne@earthlink.net

Attorney for
Brooke County School District

Exhibit A



Universal Service Administrative Company
Schools & Libraries Division

September 24, 2003

Dear Currie A. Sutton
Brooke County School District
216-682-0169
Application Number: 338654

The Program Integrity Assurance (PIA) team is in the process of reviewing all Form 471 Applications for schools and libraries discounts to ensure that they are in compliance with the rules of the federal universal service program. We are currently in the process of reviewing your Funding Year 2003 Form 471 Application. To complete our review, we need some additional information. The information needed to complete the review is listed below.

For FRN's 969668, 969670, 969672, 969673, and 993387, the documentation provided in the Item 21 Attachments is not sufficient to determine the eligibility of your request. The documentation does not sufficiently describe the products and services being requested, so we cannot determine the eligibility of your request.

Please provide more **detailed** documentation, such as the portion of the bill that identifies the actual products and services being delivered. If the bill you receive does not identify the specific products and services being delivered, you will need to contact your vendor and request such documentation. The vendor should be able to provide you with a detailed bill identifying the specific products and services being provided, which is sometimes called a C.R.I.S. Report.

Any documentation provided should clearly identify any ineligible charges that were cost allocated out of your request. If you are unable to justify the charges requested on your Form 471, the request may be reduced or denied.

Please fax or e-mail the requested information to my attention. If you have any questions, please feel free to contact me.

It is important that we receive all of the information requested so we can complete our review. **Failure to do so may result in a reduction or denial of funding.**

Please send the requested information within seven calendar days.

Thank you for cooperation and continued support of the Universal Service Program.

Sincerely,

Amanda Lopes
Schools & Libraries Division
Program Integrity Assurance
Phone 973-884-8114
FAX 973-599-6521
E-Mail alopes@sl.universalservice.org

Alpha Telecommunications

From: "Amanda Lopes" <alopes@sl.universalservice.org>
To: <curries@ameritech.net>
Sent: Thursday, October 02, 2003 10:12 AM
Attach: E-Rate Application #338632.eml
Subject: Correction to Previous E-mail

Currie,

Your previous request for an extension was for Brooke County School District, however the application number you listed (#338632) corresponds to the 471 Application for Boone County School District. I just realized this error. Therefore to make things clear, yes an extension has been granted for Brooke County School District, Application #338654. The new due date for Application #338654 is October 8, 2003. Boone County School District, Application #338632 is also due October 8, 2003 from previous correspondence.

If you should have further questions, please do not hesitate to contact me.

Thank you,

Amanda Lopes
Schools & Libraries Division
Program Integrity Assurance
Phone 973-884-8114
FAX 973-599-6521
E-Mail alopes@sl.universalservice.org

TRANSMISSION VERIFICATION REPORT

TIME : 10/08/2003 17:03
NAME :
FAX :
TEL :

DATE, TIME	10/08 16:55
FAX NO./NAME	19735996521
DURATION	00:07:43
PAGE(S)	47
RESULT	OK
MODE	STANDARD ECM

FAX COVER SHEET

To: Amanda Lopes, PIA
SLD

Fax: 1.973.599.6521

From: Currie A. Sutton *Currie A. Sutton*

Date: 10-8-2003

Pages: 46 (Including Cover)

RE: Brooke County School District, E-rate Application #338654

SLD Request

For FRN's 969668, 969670, 969672, 969673 and 993387 the documentation does not sufficiently describe the products and services being requested. Please provide more detailed documentation.

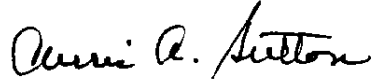
Answer

FRN 969668 – Verizon-West Virginia. Attached find bills page 1 to page 38 covering a month's local service. There are no ineligible charges associated with these accounts. The documentation supports \$4,115.95 per month; please reduce the FRN to the amount supported by the documentation.

FAX COVER SHEET

To: Amanda Lopes, PIA
SLD

Fax: 1.973.599.6521

From: Currie A. Sutton 

Date: 10-8-2003

Pages: 46 (Including Cover)

RE: Brooke County School District, E-rate Application #338654

SLD Request

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Answer

FRN 969668 – Verizon-West Virginia. Attached find bills page 1 to page 38 covering a month's local service. There are no ineligible charges associated with these accounts. The documentation supports \$4,115.95 per month; please reduce the FRN to the amount supported by the documentation.

FRN 969670 – AT&T Corp. Attached find bill page 39 covering a month's long distance. There are no ineligible charges associated with this account. The documentation supports \$420.76 per month; please reduce the FRN to the amount supported by the documentation.

FRN 969672 – Verizon-West Virginia. Attached find bills page 40 to page 43 covering a month's highband services. There are no ineligible charges associated with this account. The documentation supports \$2,643.75 per month; please reduce the FRN to the amount supported by the documentation.

FRN 969673 – Verizon Wireless fka Cellco Partnership. We have found that Verizon Wireless does not cover the school district's territory and, therefore, cannot provide service. We are requesting a SPIN change to Lauttamus (143021172) who can provide service in this area. Lauttamus is a cellular services provider under FCC rules (I am sending you information on this by email attachment, since there would too many pages to fax). Attached you will find a quote from Lauttamus for month to month cellular service page 44 to page 45. The monthly charge for this service is \$907.20; please reduce the FRN to the amount supported by the documentation.

FRN 993387 – Please cancel this FRN.

Currie A. Sutton, email: curries@ameritech.net
Tel: 216.682.0169 Fax: 216.514.3337

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2 Copies

Billing Date 5/10/03
Account 000042328758 09Y
Page 1 of 11
Questions? Call. (800) 607-6575

WELLSBG PUB SCH
BROOKE COUNTY
304 737-2922

Manage your account online at www.verizon.com

Account Summary

Amount of last bill dated 4/10/03	\$315.67
Payment(s) Thank you 4/22	\$315.67 ^{CR}
Balance	\$.00
Verizon Services	\$285.12
Current Charges Due by 6/9/03	\$285.12
Total Amount Due by 6/9/03	\$285.12

✓ To enroll in the Verizon Direct Debit Payment Option, please read and sign the agreement on the reverse of the payment form

A late payment charge not to exceed 1% applies to any balance carried forward to next month's bill.

FRH969668

①

Please write in amount enclosed and send this coupon with your payment in US dollars to the address below



Summary of Current Charges

This summary is for informational purposes only

• Verizon

Bill Section	First Page	Calls	Minutes	Amount
Monthly Charges	4			160 32
Measured Calls Account Summary	4		3291 0	116 20
Tax, Surcharges and Other Fees	5			8 60
Services and Equipment Information	7			
Total Verizon Current Charges			3291.0	285 12
Total Summary of Current Charges				\$285.12

2



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Billing Date 5/10/03
Account 000042335759 94Y
Page 1 of 11
Questions? Call (800) 607-6575

BRK CTY BD OF
EDCTN
304 737-2294

Manage your account online at www.verizon.com

Account Summary

Amount of last bill dated 4/10/03	\$254.24
Payment(s). Thank you 4/22	\$254.24 ^{CR}
Credits and Adjustments	\$29.95 ^{CR}
Credit Balance	\$29.95^{CR}
Verizon Services	\$208.60
Integretel, Inc	\$.00
Current Charges Due by 6/9/03	\$208.60
Total Amount Due by 6/9/03	\$178.65

✓ To enroll in the Verizon Direct Debit Payment Option, please read and sign the agreement on the reverse of the payment form

A late payment charge not to exceed 1% applies to any balance carried forward to next month's bill.

③

Please write in amount enclosed and send this coupon with your payment in US dollars to the address below

Summary of Current Charges

This summary is for informational purposes only

• Verizon

Bill Section	First Page	Calls	Minutes	Amount
Monthly Charges	4			120 82
Measured Calls Account Summary	4		2282 0	81 33
Tax, Surcharges and Other Fees	5			6 45
Services and Equipment Information	7			
Total Verizon Current Charges			2282.0	208 60

• Integretel, Inc.

Bill Section	First Page	Calls	Minutes	Amount
Miscellaneous Credits	6			00
Total Current Charges				.00
Total Summary of Current Charges				\$208 60

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Billing Date 5/10/03
Account 000042328755 69Y
Page 1 of 10
Questions? Call (800) 607-6575

FRANKLIN SCHOOL
BROOKE CTY BRD ED
304 737-1760

Manage your account online at www.verizon.com

Account Summary

Amount of last bill dated 4/10/03	\$269.74
Payment(s) Thank you 4/22	\$269.74 ^{CR}
Balance	\$.00
Verizon Services	\$253.05
Current Charges Due by 6/9/03	\$253.05
Total Amount Due by 6/9/03	\$253.05

A late payment charge not to exceed 1% applies to
any balance carried forward to next month's bill.

✓ To enroll in the Verizon Direct Debit
Payment Option, please read and
sign the agreement on the reverse
of the payment form

5

Please write in amount enclosed and send this coupon with your payment in US dollars to the address below



Summary of Current Charges

This summary is for informational purposes only

•Verizon

Bill Section	First Page	Calls	Minutes	Amount
Monthly Charges	4			145.37
Measured Calls Account Summary	4		2951.0	99.08
Tax, Surcharges and Other Fees	5			8.60
Services and Equipment Information	6			
Total Verizon Current Charges			2951.0	253.05
Total Summary of Current Charges				\$253.05

6



2 Copies

Billing Date 5/10/03
Account 000042328748 10Y
Page 1 of 10
Questions? Call (800) 607-6575

BROOKE CTY BD EDUC
WELLSBRG PRIMARY WES
304 737-0133

Manage your account online at www.verizon.com

Account Summary

Amount of last bill dated 4/10/03	\$223.80
Payment(s) Thank you 4/22	\$223.80 _{CR}
Balance	\$.00
Verizon Services	\$219.05
Current Charges Due by 6/9/03	\$219.05
Total Amount Due by 6/9/03	\$219.05

✓ To enroll in the Verizon Direct Debit Payment Option, please read and sign the agreement on the reverse of the payment form

A late payment charge not to exceed 1% applies to any balance carried forward to next month's bill.

7

Please write in amount enclosed and send this coupon with your payment in U.S. dollars to the address below



Summary of Current Charges

This summary is for informational purposes only

• Verizon

Bill Section	First Page	Calls	Minutes	Amount
Monthly Charges	4			114 35
Measured Calls Account Summary	4		2762 0	98 25
Tax, Surcharges and Other Fees	5			6 45
Services and Equipment Information	6			
Total Verizon Current Charges			2762.0	219 05
Total Summary of Current Charges				\$219.05

8



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Billing Date 5/10/03
Account 000042335626 04Y
Page 1 of 9
Questions? Call (800) 607-6575

BROOKE CTY BD OF ED
BEECH BOTTOM SCH
304 394-5341

Manage your account online at www.verizon.com

Account Summary

Amount of last bill dated 4/10/03	\$142.52
Payment(s) Thank you 4/22	\$142.52 ^{CR}
Balance	\$.00
Verizon Services	\$137.03
Current Charges Due by 6/9/03	\$137.03
Total Amount Due by 6/9/03	\$137.03

A late payment charge not to exceed 1% applies to
any balance carried forward to next month's bill.

✓ To enroll in the Verizon Direct Debit
Payment Option, please read and
sign the agreement on the reverse
of the payment form.

(9)

Please write in amount enclosed and send this coupon with your payment in US dollars to the address below



Summary of Current Charges

This summary is for informational purposes only

• Verizon

Bill Section	First Page	Calls	Minutes	Amount
Monthly Charges	4			80 70
Measured Calls Account Summary	4		1339 0	52 03
Tax, Surcharges and Other Fees	5			4 30
Services and Equipment Information	6			
Total Verizon Current Charges			1339.0	137 03
Total Summary of Current Charges				\$137.03

(10)



Billing Date 5/10/03
Account 000016145935 96Y
Page 1 of 7
Questions? Call (800) 562-2355

BROOKE COUNTY OF
BOARD OF EDUC
304 737-9854

Manage your account online at www.verizon.com

Account Summary

Amount of last bill dated 4/10/03.	\$35.91
Payment(s) Thank you 4/22	\$35.91 CR
Balance	\$0.00
Verizon Services	\$35.70
Current Charges Due by 6/9/03	\$35.70
Total Amount Due by 6/9/03	\$35.70

A late payment charge not to exceed 1% applies to
any balance carried forward to next month's bill.

✓ To enroll in the Verizon Direct Debit
Payment Option, please read and
sign the agreement on the reverse
of the payment form

(11)

Please write in amount enclosed and send this coupon with your payment in US dollars to the address below



Summary of Current Charges

This summary is for informational purposes only

• Verizon

Bill Section	First Page	Calls	Minutes	Amount
Monthly Charges	4			31 85
Tax, Surcharges and Other Fees	4			3 85
Services and Equipment Information	5			
Total Verizon Current Charges				35 70
Total Summary of Current Charges				\$35 70

(12)